

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

SHARI LINDENBAUM, individually and on behalf of all others similarly situated,	)	Case No. 1:17-cv-1991
	)	
	)	
Plaintiff,	)	Hon. Solomon Oliver, Jr.
v.	)	
	)	
LYFT, INC.,	)	
	)	
Defendant.	)	

**DEFENDANT’S MOTION TO DISMISS OR TO STAY**

Pursuant to Federal Rule of Civil Procedure 12(b)(6) and this Court’s inherent authority to stay proceedings (*see Landis v. N. Am. Co.*, 299 U.S. 248 (1936)), Defendant Lyft, Inc. respectfully moves this Court for an order dismissing Plaintiff Shari Lindenbaum’s claims with prejudice, or, in the alternative, staying this action pending a ruling by the United States Court of Appeals for the D.C. Circuit in *ACA International v. FCC*, No. 15-1211 (D.C. Cir.).

This motion is based on the grounds that Lindenbaum has failed to state a claim as a matter of law on either of her two causes of action, and that, in the event that Lindenbaum’s claims are not dismissed, a stay is warranted pending the resolution of relevant issues by the D.C. Circuit in the *ACA International* appeal. This motion is made based on the accompanying Memorandum of Law, the pleadings and documents on file in this case, any reply memorandum that Lyft may file, and any other arguments that may be raised at the hearing on this matter.

Dated: November 13, 2017

Respectfully submitted,

/s/ Stephen E. Baskin  
Stephen E. Baskin (0065662)

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**CERTIFICATE OF SERVICE**

I certify that on November 13, 2017, a copy of this **Defendant's Motion to Dismiss or to Stay** was electronically filed using the CM/ECF System. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Stephen E. Baskin  
Stephen E. Baskin